

1 EILEEN M. DECKER
United States Attorney
2 LAWRENCE S. MIDDLETON
Assistant United States Attorney
3 Chief, Criminal Division
STEVEN R. WELK
4 Assistant United States Attorney
Chief, Asset Forfeiture Section
5 JONATHAN GALATZAN (Cal. Bar No. 190414)
Assistant United States Attorney
6 Asset Forfeiture Section
Federal Courthouse, 14th Floor
7 312 North Spring Street
Los Angeles, California 90012
8 Telephone: (213) 894-2727
Facsimile: (213) 894-7177
9 E-mail: Jonathan.Galatzan@usdoj.gov

10 Attorneys for Plaintiff
UNITED STATES OF AMERICA

JS-6

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12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 \$29,196.00 IN U.S. CURRENCY,
19 Defendant.

No. CV 16-01067-ODW (JEMx)

CONSENT JUDGMENT OF
FORFEITURE

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21 This action was filed on February 16, 2016 against the defendant \$29,196.00 in
22 U.S. Currency (“defendant currency”). Jose M. Pena claims an interest in the defendant
23 currency, but has not filed a claim in this case or answered the complaint. However,
24 Jose M. Pena would have filed a claim and answer in this case absent this settlement.
25 The defendant currency was seized from Jose M. Pena and no other person or entity is
26 believed to have an interest therein. No other claims or answers were filed, and the time
27 for filing such statements of interest and answers has expired. Plaintiff United States of
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America and Jose M. Pena have reached an agreement that is dispositive of the action. Nothing in this consent judgment is intended or should be interpreted as an admission of wrongdoing by Jose M. Pena. The parties hereby request that the Court enter this Consent Judgment of Forfeiture.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties and the subject matter of this action.

2. Notice of this action has been given in accordance with law. All potential claimants to the defendant \$29,196.00 in U.S. Currency other than Jose M. Pena are deemed to have admitted the allegations of the Complaint. The allegations set out in the Complaint are sufficient to establish a basis for forfeiture.

3. \$4,296.00 of the defendant currency, without interest, shall be returned to Claimant Jose M. Pena through his counsel. The United States shall return the defendant \$4,296.00 not later than 45 days after (a) the court enters this Consent Judgment and (b) Claimant provides to the government the bank routing and personal identifiers needed to effect a wire transfer of the funds, whichever is later.

3. The government shall have judgment against the interests of Claimant (and any potential claimants) as to the remainder of the defendant currency, \$24,900.00, which asset is hereby forfeited and condemned to the United States, and no other right, title or interest shall exist therein. The government shall dispose of the forfeited currency according to law.

4. Jose M. Pena has agreed to release the United States of America, its agencies, agents, and officers, including employees, officers and agents of the United States Customs and Border Patrol from any and all claims, actions or liabilities arising out of or related to this action, including, without limitation, any claim for attorney's fees, costs or interest which may be asserted on behalf of Jose M. Pena, whether pursuant to 28 U.S.C. § 2465 or otherwise. Jose M. Pena waives any rights he may have to seek remission or mitigation of the forfeiture.

1 5. The court finds that there was reasonable cause for the seizure of the
2 defendant \$29,196.00 in U.S. Currency and institution of these proceedings. This
3 judgment shall be construed as a certificate of reasonable cause pursuant to 28 U.S.C. §
4 2465.

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6 Dated: June 28 , 2016


7 THE HONORABLE OTIS D. WRIGHT, II
8 UNITED STATES DISTRICT JUDGE

9 [Signatures of counsel and parties appear on the next page.]
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1 Dated: June 28, 2016

EILEEN M. DECKER
United States Attorney
LAWRENCE S. MIDDLETON
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

6 /s/ Jonathan Galatzan
JONATHAN GALATZAN
Assistant United States Attorney

8 Attorneys for Plaintiff
UNITED STATES OF AMERICA

11 Dated: June 27, 2016

10 /s/ A. Mark Balali
A. MARK BALALI

12 Attorney for
Potential Claimant Jose M. Pena

14 Dated: June 23, 2016

13 /s/ Jose M. Pena
Jose M. Pena, Claimant